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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,744	11/15/2000	Thomas P. Quigley	61300/221	2947

7590

11/19/2002

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EXAMINER

SHAPIRO, JEFFERY A

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 11/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/713,744

Applicant(s)

QUIGLEY ET AL.

Examiner

Jeffrey A. Shapiro

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skalla et al discloses the concrete transport vehicle and chute assembly as follows.

As described in Claims 1, 11 and 20;

1. a chassis having a front end and a rear end; (see col. 1, lines 10-15 of Skalla et al, which recites that the chute is for a "concrete truck". Note also that US 4,054,194 to Davis and US 5,244,069 to Cosgrove, previously cited by Applicants, are referred to in col. 10, lines 26-29 of Skalla et al as having concrete chutes attached to concrete trucks, and each of these references show said concrete truck referred to in the present Claims 1, 11 and 20.)
2. a mixing drum supported by the chassis, the drum having a first end and a second end and an opening in communication with a discharge hopper and a main chute (see above);
3. a pedestal extending between the chassis and one end of the drum to support that end of the drum (note that it is inherent that a support must be provided for said drum—also, see above);
4. a cab enclosure supported by the chassis (note that it is inherent that there be a cab on said chassis—see above);

5. an extension chute (14 and 16) operatively aligned with the main chute (12), the extension chute comprising a chute assembly (see Claim 1, col. 4, lines 9-11);
6. a chute assembly comprising as follows;
  - a. a frame (12, 14 and 16) having a first end and a second end, each end including an arcuate end angle member (14 and 16) maintained in a spaced apart relationship by a pair of chute rails (12) attached to each end angled member;
  - b. a chute skin (10) mounted within the frame and attached to each chute rail and each end angle member, wherein the chute assembly defines a longitudinally elongated concave chute;
  - c. a removable liner (18) mounted within the chute assembly adjacent to the chute skin;

As described in Claim 2;

7. the mixing drum is configured to discharge concrete from an end (note that concrete trucks inherently have a discharge opening from which the concrete is extracted or poured);

As described in Claims 3, 12 and 20;

8. a hook (28) mounted on each chute rail (12) proximate the second end of the chute assembly and a bracket assembly (34) mounted on each chute rail proximate the first end of the chute assembly (see figure 1);

As described in Claims 4, 13 and 20;

9. the chute rails mounted on the chute are configured to releasably engage and support the liner (see col. 2, lines 48-50);

As described in Claims 5, 14 and 23;

10. the liner is composed of plastic (see col. 2, lines 50-52);

As described in Claims 6, 15 and 22;

11. the frame and chute skin are composed of aluminum (see col. 2, lines 52-67);

As described in Claims 7 and 16;

12. an elongated channel (22) attached to each end angle member and to the chute skin (see figure 1);

As described in Claims 8 and 17;

13. the elongated channel is composed of aluminum (see col. 2, lines 65-67);

As described in Claims 9, 18, 20 and 21;

14. the chute rails (12) are each configured, in conjunction with a liner flange (20) (see figure 3), to form a liner pocket to receive the liner and removably retain the liner within the extension chute;

As described in Claim 10;

15. the chute rail (12) and the liner flange (20) are composed of the same material and forms a single, integral member (see col. 2, lines 48-55);

***Response to Arguments***

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3. Applicant's arguments with respect to Claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (703)308-3423. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (703)306-4173. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-2571 for regular communications and (703)308-2571 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.



Jeffrey A. Shapiro  
Patent Examiner,  
Art Unit 3653



DONALD P. WALSH  
SUPERVISORY PATENT EXAMINER  
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November 15, 2002